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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062676
Party	Defendant Reliant Care Group, LLC
Correspondence Address	RELIANT CARE GROUP LLC 17 B WEST LOCKWOOD ST LOUIS, MO 63119 UNITED STATES
Submission	Answer
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Date	12/30/2015
Attachments	Reliant TM Answer to Petition to Cancel 122815.pdf(65052 bytes)

**United States Patent and Trademark Office
Trademark Trial and Appeal Board**

RELIANT PRO REHAB, LLC)	Cancellation No. 92062676
)	Registration No. 1,953,530
Petitioner,)	
)	
vs.)	
)	
RELIANT CARE GROUP, L.L.C.,)	
)	
Owner.)	

Answer to Petition to Cancel Trademark Registration No. 1953530

Reliant Care Group, LLC provides its Answer and Defenses to Reliant Pro Rehab's Petition to Cancel Trademark Registration No. 1953530, by stating as follows:

1. Reliant Care Group admits the allegations of paragraph 1 of the Petition.
2. Reliant Care Group is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 2 and, therefore, relies on the deemed denial of those averments provided for in 37 C.F.R. § 2.106(b)(1).
3. Reliant Care Group denies the allegations of paragraph 3 of the Petition.
4. Reliant Care Group denies the allegations of paragraph 4 of the Petition.
5. Reliant Care Group denies the allegations of paragraph 5 of the Petition.

6. Reliant Care Group denies the allegations of paragraph 6 of the Petition.

7. Reliant Care Group denies the allegations of paragraph 7 of the Petition.

8. Reliant Care Group denies the allegations of paragraph 8 of the Petition.

9. Reliant Care Group denies the allegations of paragraph 9 of the Petition.

10. Reliant Care Group denies the allegations of paragraph 10 of the Petition.

11. Reliant Care Group denies the allegations of paragraph 11 of the Petition.

12. Reliant Care Group denies the allegations of paragraph 12 of the Petition.

13. Reliant Care Group denies the allegations of paragraph 13 of the Petition.

Defenses

A. This proceeding should be suspended because of the following civil action involving the same or related parties and the same mark: *Reliant Care Group, L.L.C., et al. v. Reliant Management Group, L.L.C.*, Case No. 14-cv-00043-CDP, United States District Court, Eastern District of Missouri, Eastern Division. 37 C.F.R. § 2.117, TBMP § 510.02.

B. Reliant Care Group, Reliant Care Management Group, and Reliant Care Rehabilitative Services began using the service marks referenced in the Petition well before Reliant Pro Rehab in Missouri and Illinois and have superior rights to those services marks as a result.

C. Reliant Pro Rehab's Petition should be dismissed for equitable reasons including unclean hands and estoppel because it was informed of Reliant Care Group's superior claim to its service mark before Reliant Pro Rehab entered the Missouri and Illinois markets and Reliant Pro Rehab began using its confusingly similar mark in Missouri and Illinois despite its knowledge.

D. Reliant Pro Rehab's Petition should be dismiss for equitable reasons including unclean hands, estoppel, and laches because it filed its Petition the day before a court-ordered mediation between Reliant Care Group and Reliant Management Group as a means to gain leverage in negotiations, rather than for legitimate reasons.

E. Reliant Care Group registered its service mark before Reliant Pro Rehab's service mark was registered.

F. Reliant Pro Rehab lacks standing to challenge alleged fraud in the stated uses of the Reliant Care Group Mark because Reliant Pro Rehab engages in only one of the listed uses – rehabilitation services. Reliant Pro Rehab would not be damaged by allegedly false claims of use relating to other services.

G. Reliant Care Group and Reliant Pro Rehab may have concurrent use rights in their respective markets, which is an issue that may be resolved by the

aforementioned *Reliant Care Group, L.L.C., et al. v. Reliant Management Group, L.L.C.*, Case No. 14-cv-00043-CDP, United States District Court, Eastern District of Missouri, Eastern Division case.

Wherefore, Reliant Care Group, having fully responded to the Petition, respectfully requests that the Board dismiss the Petition with prejudice and for such other relief as the Board deems just and appropriate.

Respectfully submitted,

HESSE MARTONE, P.C.

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Dated: December 30, 2015.

Attorneys for Reliant Care Group, L.L.C.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 30th day of December, 2015, a copy of the foregoing document was electronically filed using the ESTTA system, which will be served electronically to the following:

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